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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,407	10/25/2001	Andreas Neuner	SZY6126P0020US	7841

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/856,407

Applicant(s)

NEUNER, ANDREAS

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 23 and 24 is/are allowed.  
6) ☒ Claim(s) 16 and 18-22 is/are rejected.  
7) ☒ Claim(s) 17 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This is the final Office Action for the serial number 09/856,407, PLANT  
ARRANGEMENT WITH A HOLDER FOR OBJECTS THEREIN, filed on 10/25/01.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US  
Patent # 3,481,075 to Dastoli et al.

Dastoli et al. teaches a bouquet of flowers (74) including a bundle of floral stems and a support (50) for non-floral items comprising at least three supporting rods (56 and 58) secured at one end circularly bundled by a common supporting base (54) and including at least one non-floral item (52) secured to one of the supporting rods and supported by the support in the bouquet. Wherein the support is integrated within the bouquet and clasped in the bundle of floral stems. The item is secured to the supporting rod via a fastener (welded or soldered, col. 5, line 31) in which the supporting rod is inserted.

Dastoli et al. teaches the at least three supporting rods but fails to teach the at least three supporting rods are bendable however in figure 1 of Dastoli et al.'s invention shows the at least three supporting rods are bendable. It would have been obvious for one of ordinary skill in the

Art Unit: 3632

art at the time the invention was made to have modified Dastoli et al.'s supporting rods with bendable to provide more space for the flowers when retained in the supporting rods.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dastoli et al. in view of German Patent # 3,819,981 to Grotepass.

Dastoli et al. teaches the supporting rods but fails to teach the rods are made of refined steel wire. Grotepass teaches the rod is made of refined steel wire (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Dastoli et al.'s rods with refined steel wire as taught by Grotepass to improve appearance of the support.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dastoli et al. in view of Japan Patent # 1,207,711 to Niwa.

Dastoli et al. teaches the fastener but fails to teach the fastener is made of polyethylene. Niwa teaches polyethylene (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Dastoli et al.'s fastener with polyethylene as taught by Niwa to provide designer's choice for the kind of adhesive to fasten rods with the item.

***Allowable Subject Matter***

Art Unit: 3632

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23-24 are allowed.

In regard to claim 17, the prior art fails to teach wherein the item is a gift item. In regard to claims 23-24, the prior art fails to teach a method of configuring a bouquet of flowers comprising integrating the support within the bouquet.

### ***Response to Arguments***

Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

In regard to claims 16 and 20, if the applicant change the claim language, "wherein said support is integrated within said bouquet and clasped in said bundle of floral stems", to ---said support being integrated within said bouquet and means for clasping the supporting rods and the support in said bundle of floral stems---, claims 16 and 20 will be allowed. The proposed claim language is to clarify the function for the term of "clasp" for the supporting rods and support in the bundle of floral stems.

### ***Conclusion***

Art Unit: 3632


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632 AJW

6/24/05

 6/27/05  
ROBERT P. OLSZEWSKI  
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